

JURISDICTION:

ARKANSAS

General Reference:

This chapter summarizes Arkansas State statutes related to speed.
Arkansas Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at speed that is greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §27-51-201(a)(1)

Statutory Speed Limit:
See Other below.

Controlled-Access Highways-The maximum speed is determined via engineering and traffic studies.¹ §27-51-201(b)(1)
30 MPH² in urban districts §27-51-201(c)(1)
50 MPH² for trucks with a capacity $\geq 1\frac{1}{2}$ tons in other locations (except controlled access highways) §27-51-201(c)(2)
60 MPH² for other vehicles in other locations (except controlled access highways) §27-51-201(c)(3)

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic studies, the State Highway Commission may alter the above statutory speed limits on the State highway system.³ §27-51-204
II. Based on engineering and traffic investigations, local governments may increase the speed limits on highways within their jurisdiction. However, no speed limit can be >45 MPH. §27-51-206(b)
III. Based on an investigation, the State Highway Commission may establish safe maximum speed limits for bridges or other elevated structures. §27-51-209(a) & (b)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a such a slow speed as to impede the normal and reasonable movement of traffic §27-51-208(b)
II. A person shall not operate a motor vehicle continuously in the left lane of a multi-lane roadway whenever it impedes the flow of other traffic. §27-51-301(b)

Posted (Minimum) Speed Limit:

Based upon engineering and traffic studies, a minimum speed limit for any highway may be established. §27-51-208(b) Note: Via signs, slower moving traffic may be directed to use designated lanes. §27-51-302(2)

Other:

I. 30 MPH is the maximum speed for a vehicle which is either over width, over length or over height and has a gross weight $\geq 64,000$ lbs. §27-51-201(c)(4)
II. 45 MPH is the maximum speed while towing a house trailer §27-51-210

Basis for a Speed Law Violation: (continued)

Other: (continued)

III. 10 MPH is the maximum speed while operating a vehicle equipped with solid rubber or cushion tires §27-51-211
IV. 25 MPH is the maximum speed when passing a school or while in a school zone during school hours when students are in the school §27-51-212

¹However, the speed limit on controlled-access highways for trucks with a $\geq 1\frac{1}{2}$ ton capacity must be established at 10 MPH below that established for automobiles. §27-51-201(b)(2)

²This appears to be a *prima facie* speed limit. §§27-51-201(e) & 27-51-202(a)

³Under this authority, the State Highway Commission has established the following speed limits: (1) On rural freeways, 70 MPH for cars and 65 MPH for trucks; on suburban freeways, 60 MPH for all vehicles; on urban freeways, 55 MPH for all vehicles; and, on rural expressways with high-type partial control of access, 60 MPH for all vehicles. ~~Minimum~~ Order Revisions 74-007, 87-110, 88-010, 96-148, 97-104 and 98-215

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Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: A Violation of the Speed Laws is a Misdemeanor Offense. §§27-50-304, 27-50-305 & 27-51-214

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions: Note: Except as Noted, the Following Sanctions Apply to all Speed Law Violations.

Imprisonment:
Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** 3rd or subsequent offense (within 1 year)-Not more than **6 months** §§27-50-304 & 27-50-305

Speeding in School Zone-1st offense-**1 to 10 days** 2nd offense (within 1 year)-**5 to 25 days** 3rd or subsequent offense (within 1 year)-**25 days to 6 months** §27-51-214

Mandatory Minimum Term: Speeding in School Zone⁴-1st offense-**1 day** 2nd offense (within 1 year)-**5 days** 3rd or subsequent offense (within 1 year)-**25 days** §27-51-214

Fine:
Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** 3rd or subsequent offense (within 1 year)-Not more than **\$500** §§27-50-304 & 27-50-305

Speeding in School Zone-1st offense-**\$25 to \$100** 2nd offense (within 1 year)-**\$50 to \$250** 3rd or subsequent offense (within 1 year)-**\$250 to \$1,000** §27-51-214

Mandatory Min. Fine (\$): Speeding in School Zone³-1st offense-**\$25** 2nd offense (within 1 year)-**\$50** 3rd or subsequent offense (within 1 year)-**\$250** §27-51-214

Other Penalties:

Traffic School:

Other:

Attendance at driver's training school may be required. §27-50-306(3)

Highway Work Zone. An additional fine, which is equal to all of the other fines, is imposed for exceeding the posted speed limit in a highway work zone when construction personnel are present. I.e., the fine is **double** the amount that would otherwise be imposed. §27-50-408(b)(1)(A)

Driving >15 MPH Over the Speed Limit. It is a Class C Misdemeanor to operate a motor vehicle in excess of 15 MPH over the posted speed limit.. The sanctions for this offense are imprisonment for not more than **30 days** and/or a fine of not more than **\$100**. §§5-4-201(b)(3), 5-4-401(b)(3) & 27-50-302(7)

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Licensing Action:
Type of Licensing Action

⁴The law appears to make the minimum sanction mandatory.

(Susp/Rev):	Suspension via the Courts ⁵ §27-50-306(1) Suspension or Revocation via a Point System ⁶ <u>Speeding in School Zone-2nd offense</u> (within 1 year)- Suspension <u>3rd offense</u> (within 1 year)- Suspension §27-51-214(2)(B) & (3)(B)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year ⁷ §27-50-306(1) <u>Speeding in School Zone-2nd offense</u> (within 1 year)- 6 months <u>3rd offense</u> (within 1 year)- 1 year §27-51-214(2)(B) & (3)(B)
Mandatory Minimum Term of Withdrawal:	<u>Speeding in School Zone-2nd offense</u> (within 1 year)- 6 months <u>3rd offense</u> (within 1 year)- 1 year §27-51-214(2)(B) & (3)(B)
Miscellaneous Sanctions Not Included Elsewhere:	Special Fine for Speeding in Heavy Trucks. A person, driving a truck weighing ≥20,000 lbs. in excess of 5 MPH of the posted speed limit, is subject to a fine of \$50 for each MPH they exceed the post speed limit in excess of 5 MPH. §27-50-311 Multiple Violations. Arkansas law also provides that it is a Class C Misdemeanor to commit 3 violations within 12 months. Sanctions: Jail- Not more than 30 days; and, fine-not more than \$100. §§5-4-201(b)(3), 5-4-401(b)(3) & 27-50-302(8)

⁵A suspension of not more than 1 year may be imposed by the court. This suspension is based upon a review of the offender's driving record. §27-50-306 & *Cook v. State*, 968 S.W.2d 589 (Ark. 1998)

⁶**Point System.** I. If an offender accumulates between 14 and 17 points, their license is suspended from 3 to 6 months. If they accumulate between 18 and 23 points, their license is suspended from 6 months to 1 year. And, if they accumulate more than 24 points, their license is either suspended for not less than 1 year or revoked for no more than 1 year. II. The following points are assigned for speeding and speed related offenses: Racing on the highway-8 points; reckless driving-8 points; careless (or negligent) driving-3 points; hazardous driving-3 points; driving less than the minimum speed limit-3 points; impeding traffic-3 points; driving too fast for conditions-3 points; speeding 0 to 10 MPH over the limit-3 points; speeding 11 to 14 MPH over the limit-4 points; speeding 15 to 20 MPH over the limit-4 points; speeding 21 to 30 MPH over the limit-5 points; speeding ≥30 MPH over the limit-8 points; speeding 0 to 14 MPH over the limit in a commercial motor vehicle-3 points; speeding ≥15 MPH over the limit in a commercial motor vehicle-6 points; unsafe driving-3 points; and, other violations-3 points. §27-14-403(a) & Regulation 2-27-16-907(a)(4) Note: Although listed as offenses under the point system, the Arkansas Code does not make either hazardous or unsafe driving an offense under State law.

⁷I. The offender may be granted conditional or restricted driving privileges during a suspension. §27-50-306(2) II. Suspension or revocation under the point system is discretionary.

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Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Class A Misdemeanor §§27-50-302(1) & 27-50-309

Not more than **1 year** §5-4-401(b)(1)

None

Not more than **\$1,000** §5-4-201(b)(1)

Other Criminal Actions Related to Speeding: (continued)

Racing on Highway: (continued)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Courts⁵ §27-50-306(1) **Suspension or Revocation** via the Point System⁶

Length of Term of

Licensing Withdrawal:

Not more than **1 year**⁵ §27-50-306(1)

Mandatory Action--Minimum

Length of License

Withdrawal:

None⁶

Other:

I. 2nd offense (within 6 months)-An offender may be fined an amount not exceeding **double** that for a 1st offense and is subject a license revocation for not more than 60 days. 3rd or subsequent offense (within 6 months)-An offender may be fined an amount not exceeding **double** that for a 1st offense and is subject a license revocation for not more than 6 months. §27-51-102(b)(1) & (2) Important. See the "notes" in the annotated version of the Arkansas Statutes for the application of §27-51-102.
II. A person may be required to attend a driver's training school. §27-50-306(3)

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Class B Misdemeanor §§27-50-302(2) & 27-50-308

I. Non-Injury Related Offense: 1st offense-**5 to 90 days** §27-50-308(b)(1)(B) 2nd or subsequent offense (within 3 years)-**30 days to 6 months** §27-50-308(b)(2)(A)

II. Injury Related Offense-1st offense-**30 to 90 days** §27-50-308(b)(1)(A) 2nd or subsequent offense⁸ (within 3 years)-**60 days to 1 year** §27-50-308(b)(2)(B)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

I. Non-Injury Related Offense: 1st offense-**\$25 to \$500** §27-50-308(b)(1)(B) 2nd or subsequent offense (within 3 years)-**\$500 to \$1,000** §27-50-308(b)(2)(A)

II. Injury Related Offense-1st offense-**\$100 to \$1,000** §27-50-

⁸The sanctions for a second or subsequent injury offense also apply where the first offense was a non injury related but where the second or subsequent one was so related. §27-50-308(b)(2)(B)

Mandatory Minimum Fine: 308(b)(1)(A) 2nd or subsequent offense⁸ (within 3 years)-**\$500 to \$1,000**
§27-50-308(b)(2)(B) **None**

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

Suspension via the Courts⁵ §27-50-306(1) or **Suspension or Revocation**
via the Point System^{6&8}
For 3 convictions within 12 months-**Revocation** §27-16-905(5)

Length of Term of License
Withdrawal Action:

Suspension for not more than **1 year**⁵ §27-50-306(1)
Revocation for **1 year**⁵ §27-16-912

Mandatory Term of License
Withdrawal Action:

For 3 convictions within 12 months-**1 Year Revocation** §§27-16-905(5)
& 27-16-912

Other:

A person may be required to attend a driver's training school. §27-50-306(3)

Careless and Prohibited Driving:

Sanction:

Violation §§5-1-108, 27-50-301 & 27-51-104(a)

Criminal:

Imprisonment (Term):

None

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Not more than **\$100** §27-51-104

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Courts⁵ §27-50-306(1) **Suspension or Revocation**
via the Point System⁶

Length of Term of License

Withdrawal Action:

Not more than **1 year**⁴ §27-50-306(1)

Mandatory Term of License

Withdrawal Action:

None⁵

Other:

A person may be required to attend a driver's training school. §27-50-306(3)

Commercial Motor Vehicle (CMV) Operators⁹:

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §27-23-103(7)

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Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §27-23-112(e)

Commercial Motor Vehicle (CMV) Operators: (continued)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §27-23-112(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §27-23-112(e)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §27-23-103(22)